

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figs 1, 2, and 3. These sheets replace the original sheets including Figs. 1, 2 and 3.

The changes include removal of shading, removal of circles around reference numbers, removal of reference arrows, and improvements to drawings 2 and 3.

Attachment: Two (2) Replacement Sheets

### **REMARKS**

This paper is filed in response to an Office action mailed on March 19, 2008. First, Applicants thank the Examiner for pointing out informalities in Claims 2 and 8. Applicants have made the appropriate corrections.

Next, the Examiner objects to the drawings for improper shading. Accordingly, Applicants have attached new drawings with amended shading and other improvements.

In this Office action, claims 1-9 are rejected in view of prior art. More specifically, claims 1 and 4 stand rejected as being anticipated by U.S. Patent No. 5,044,198 ("Ho"), claims 5-9 stand rejected as being anticipated by U.S. Patent No. 3,791,042 ("Bell") and claims 2 and 3 stand rejected as being obvious in light of Ho and Bell. In view of the remarks submitted herewith, reconsideration and allowance of all pending claims are respectfully requested.

First, claims 1 and 4 stand rejected as being anticipated by Ho. The Examiner asserts that Column 11, lines 48-51 teaches activating the survey tool once drilling is completed and taking position readings from the survey tool as the drill string is withdrawn from the hole. However, this section refers to taking torque-drag readings while both entering and withdrawing from the well, and while rotating and drilling in the well. Torque-drag readings are not the same as the position readings in the current application. Ho does mention measurement of survey data (which could include position readings) at line 57 in Column 11. However, Ho does not mention when this survey data should be taken and, further, does not mention that the surveying tool is activated when drilling is complete. For these reasons, Ho fails to disclose each and every element of claims 1 and 4, and thus the anticipation rejection must fail.<sup>1</sup>

Second, claims 5-9 stand rejected as being anticipated by Bell. The Examiner asserts that Bell discloses an apparatus capable of 1.) surveying holes; 2.) being fed into a borehole on the end of a drill string; 3.) being activated once drilling is completed; and 4.) taking position readings as the drill string is withdrawn from the hole. However, while the

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<sup>1</sup> Anticipation under 35 USC §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Rockwell International Corp. v. United States*, 47 USPQ2nd 1027 (Fed. Cir. 1998).

apparatus in Bell is certainly capable of surveying holes and being fed into a borehole on the end of a drill string, and while it is activated when the drill bit stops (Col. 4, line 45), Bell does not teach taking measurements during withdrawal of the drill string. Instead, Bell mentions that the tool is to be used for borehole deviation (Col. 1, line 40). Since borehole deviation is only important while drilling, it does not stand to reason that Bell meant to teach measurement during withdrawal of the tool from the hole. For this reason, Bell fails to disclose each and every element of claim 5, and thus the anticipation rejection must fail.

The Examiner further asserts that Bell discloses the data logger of claim 6, pointing to elements 73 and 16 in Bell. However, element 73 is a screw (Col. 4, line 12) and element 16 is a receiving apparatus. Bell does not mention a data logger. Therefore, Bell fails to disclose every element of claim 6, and thus the anticipation rejection must fail.

Next, the Examiner asserts that Bell discloses the damping system of claim 7, pointing to element 130 in Fig. 8. However, even if it can be assumed by the hashlines that element 130 is made of rubber, Bell does not mention use of element 130 as a damper. Furthermore, element 130 completely encases the sensing unit, whereas the damping system of claim 7 in the current application is axially aligned with the electronics module 19, 20, 21 in Fig. 3. Therefore, Bell fails to disclose every element of claim 7, and thus the anticipation rejection of claim 7 must fail. Since claims 8 and 9 are dependent on claim 7, the anticipation rejections of claims 8 and 9 must fail as well.

Turning to the rejections based upon obviousness, claims 2 and 3 stand rejected as being obvious over Ho in view of Bell. The Examiner asserts that Ho teaches all of the elements of claim 1 and Bell further teaches maintaining the survey tool in sleep mode. However, as shown above, Ho does not teach all the elements of claim 1, and claims 2 and 3 are dependent on claim 1. Therefore, the obviousness rejections of claims 2 and 3 are traversed.

In light of the foregoing, applicants respectfully submit that all claims are in a condition for allowance and respectfully solicit the same. If a telephone call would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney. The undersigned verifies that he is authorized to act on behalf of the assignee of the present application.

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Respectfully submitted,

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